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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,045	07/25/2003	Andre Linnenbrugger	3191/11394-US1	4032
7278	7590	04/03/2006	EXAMINER	
DARBY & DARBY P.C.			CHARLES, MARCUS	
P. O. BOX 5257			ART UNIT	
NEW YORK, NY 10150-5257			PAPER NUMBER	

3682

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,045	Applicant(s) LINNENBRUGGER ET AL.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 9 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment/RCE filed 01-23-2006, which has been entered. Claims 2-4, 9, 14-16 are currently pending.

Continued Examination Under 37 CFR 1.114

1. The request filed on 01-23-2006 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/628,045 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Objections

2. Claim 15 is objected to because of the following informalities:
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf. In claims 2-4, 15 and 16, Wolf discloses the claimed invention including the coupling (6) being rockable about axes normal to the respective link plates (1) and the couplings (3) having round external surfaces contacting the rounded internal surfaces of the link plates. Wolf does not disclose the ratio of round surface radii of curvature of the external surface of coupling and that of the rounded internal surface of the links is less than ten. However, it appears that the outer radius of the pin/coupling (3) and the inner

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radius of the links are substantially the same, which means that the ratio is substantially one and one is less than ten. In addition, it would have been obvious to one of ordinary skill in the art to have the ratio of the rounded surfaces of Wolf device less than ten, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

In claim 15, Wolf discloses the claimed invention above. It is apparent that the Windows are shaped to prevent displacement of the coupling units (3) (see attached drawing).

In claim 16, Wolf discloses the projection at the end of the windows (see attached drawing).

5. Claim 2-4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (19743676). DE (19743676) discloses the claimed invention including the coupling (206) being rockable about axes normal to the respective link plates (203) and the couplings (206) having round external surfaces contacting the rounded internal surface of the link plates. DE (19743676) also discloses the radii of curvature of the internal surfaces and external surfaces is variable (see figs 3a, 3b, 8, 9, 11) but does not disclose the ratio of round surface radii of curvature of the external surface of coupling and that of the rounded internal surface of the links is less than ten. However, it appears that the outer radius of the coupling (206) and the inner radius of the links are substantially the same, which means that the ratio is substantially one or more but is not more than ten since the difference of the radii is small. In addition, would have been

obvious to one of ordinary skill in the art to have the ratio of the rounded surfaces of Wolf device less than ten, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

In claim 15, note the projections and the intermediate sections in the attached drawing and it is apparent that the windows and projection are shaped to prevent the displacement of the coupling elements.

In claim 16, note the projections extend into the respective elongated windows (see attached drawing).

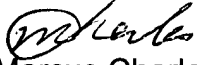
Allowable Subject Matter

6. Claim 9 is allowed. The prior art fails to disclose the mathematical inequality as claimed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
March 28, 2006

10/628, 045

ZEICHNUNGEN SEITE 4

Nummer:

DE 197 43 676 A1

Int. Cl.⁸:

F 16 H 9/24

Offenlegungstag:

9. April 1998

Fig. 7

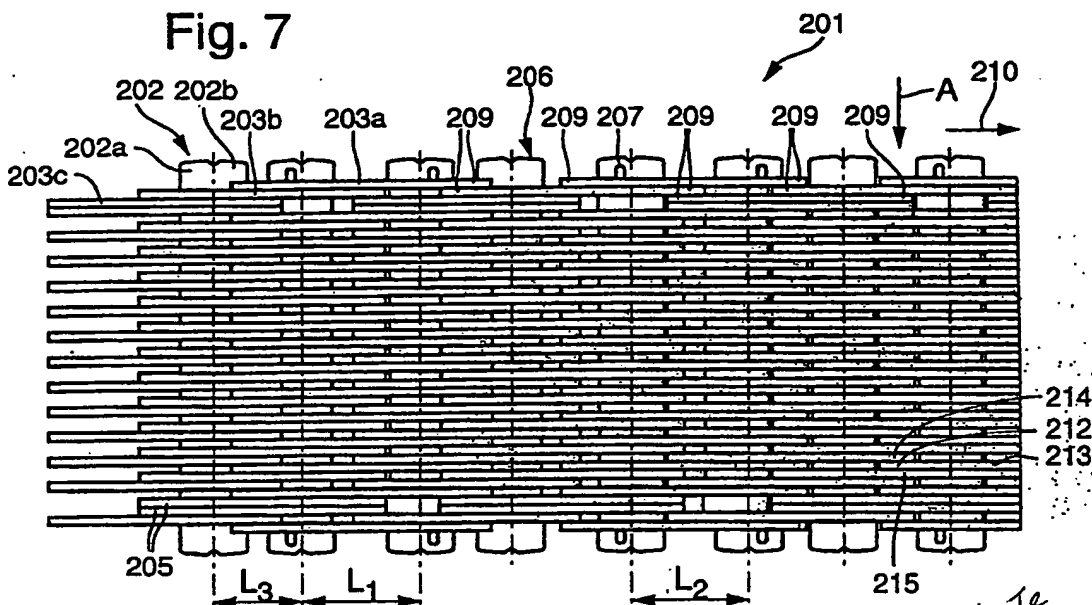
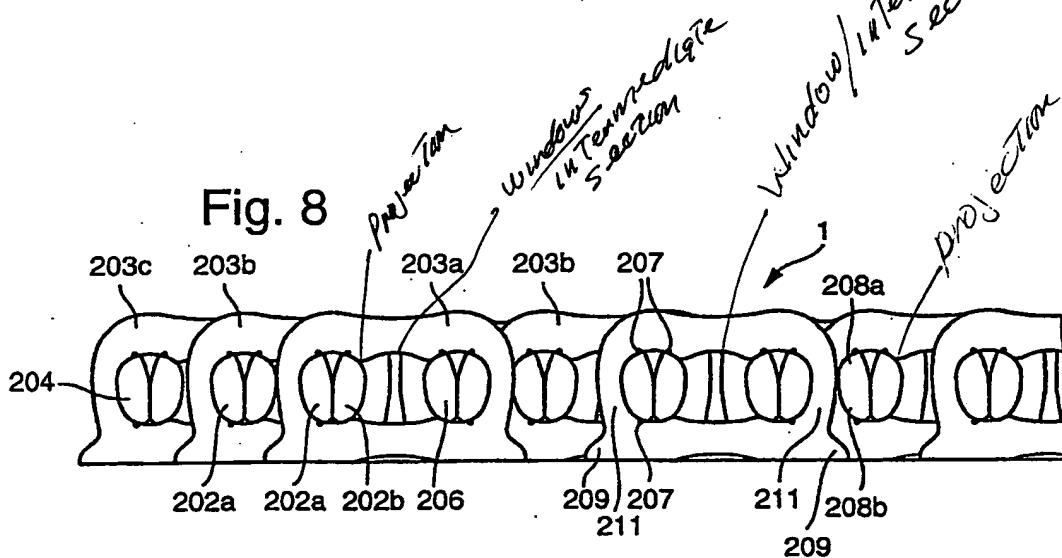


Fig. 8



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MARCUS CHARLES
PRIMARY EXAMINER

10/628,045

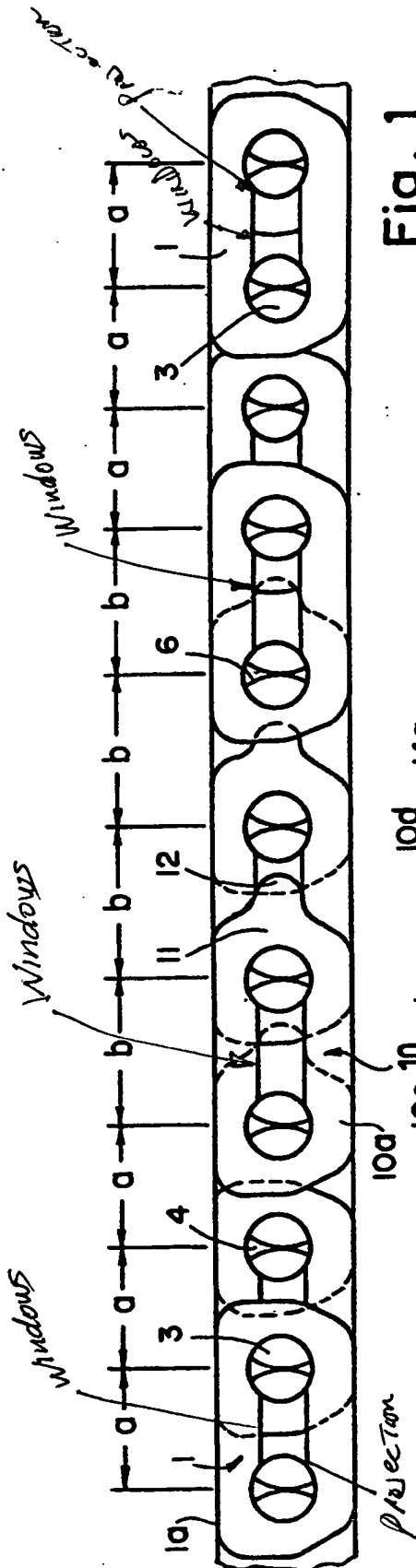


Fig. 1

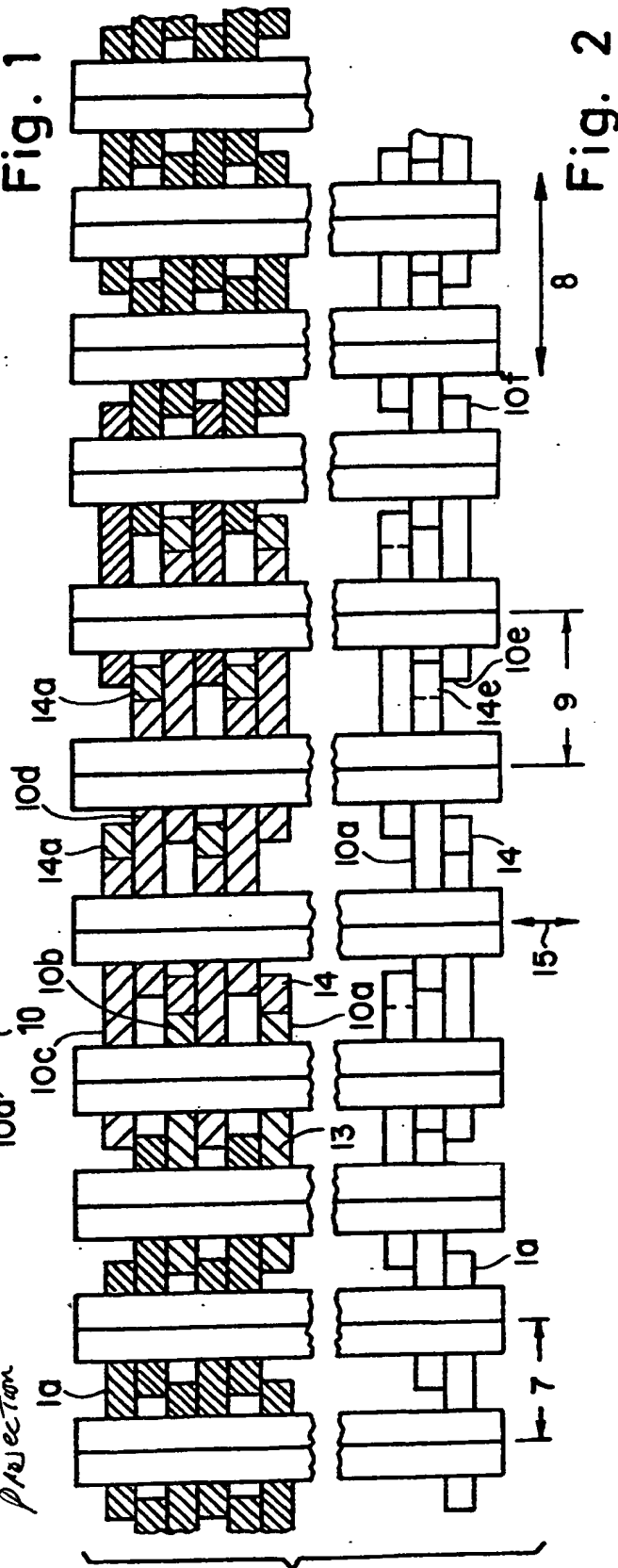


Fig. 2

MARCUS CHARLES
PRIMARY EXAMINER